

427.035

RECEIVED
AUG 19 2002
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : K. Srivastava
KATY DRIEU :
Serial No.: 09/555,906 : Group: 1651
Filed: June 2, 2000 :
For: USE OF...A MEDICAMENT :

600 Third Avenue
New York N.Y. 10016
August 12, 2002

REPLY BRIEF

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the Examiner's Answer dated June 18, 2002, Applicant is submitting herewith a reply brief to respond to the Examiner's arguments.

(2-82
10-13)

All of the claims stand rejected under 35 USC 103 as being obvious over Hsia et al and the Kleijnen et al patents taken in view of Remington Pharmaceutical Science and the Park et al patent. The Examiner's position is that the two primary references teach using a composition containing a ginkgo extract to overcome headaches, absent mindedness and confusion while the Kleijnen et al patent discloses that the ginkgo extract has been used to treat headaches, dizziness and depression. The Examiner deems that it would be obvious to one skilled in the art to use the said extracts to treat the symptoms of substance abuse withdrawal in an individual since some of these symptoms are headaches and absent mindedness and confusion.

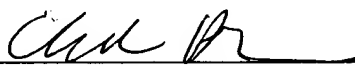
It is believed that the Examiner has completely oversimplified Applicant's invention which is drawn to a method of alleviating withdrawal symptoms of substance dependency or addiction in a human being by administering to humans in need thereof a ginkgo biloba extract in an amount sufficient to alleviate said withdrawal symptoms. The withdrawal symptoms, as clearly shown by the Remington et al reference and as discussed in the application as filed, are very complex and are not merely due to possible headaches or absent mindedness or confusion but are a plurality of symptoms as shown in the application as filed, namely body trembling, snorting, chattering of teeth, twitching of ears, motor activity, attempted escapes and yelps among other symptoms. Various symptoms are shown from the Remington et al reference and therefore, this is not merely a treatment of headaches.

not
presented
in
claims

While it is unnecessary, Applicant wishes to complete the record to show the symptoms obtained with various withdrawal symptoms such as withdrawal from amphetamines, morphine and alcohol. Applicant is submitting herewith copies of several articles relating to withdrawal symptoms and the Board's attention is directed to the articles indicated as A, B and C for the various complex type of withdrawals. For instance, in article A, it is stated that there is cluster of symptoms observed in persons who stop drinking alcohol following continuous and heavy consumption. These include tremors, nausea, vomiting, anxiety, agitation, tachycardia, hypertension, insomnia and diaphoresis. Some people

have mild shakiness and sweats and some people hallucinate and hear and see things that do not exist and the worst form of withdrawal is called DT's, namely delirium tremens. Similar comments are made in articles B and C submitted herewith. Article D indicates the various withdrawal symptoms from alcohol, tranquilizers and opioids as well as amphetamines. Article E relates to the various withdrawal symptoms from amphetamines and article F relates to narcotic withdrawal symptoms. In other words, the symptoms being treated by Applicant's invention are very complex and not the mere treatment of headaches or confusion which occurs in the elderly patients. Therefore, the combination of the references which the Examiner has combined with the benefit of Applicant's disclosure would not suggest treating withdrawal symptoms from alcohol and narcotics by using a ginkgo biloba extract. Therefore, the Board of Patent Appeals and Interferences is respectfully requested to traverse the Examiner's rejection. Three copies of the reply brief are being filed.

Respectfully submitted,
Bierman, Muserlian and Lucas

By: 
Charles A. Muserlian #19,683
Attorney for Applicant
Tel.# (212) 661-8000

CAM:ds
Enclosures